

REMARKS

Favorable consideration of the present application in light of the above amendment and in light of the following discussion is respectfully requested.

Claims 24-49 are presently active in the case, with Claims 1-23 cancelled and with Claims 24-49, corresponding to cancelled Claims 24-49 of parent case 08/873,974, now pending, but written to define the term "incentive," added, by way of the present amendment, without the introduction of new matter (see, e.g., Claims 24-49 of parent case 08/873,974, now pending).

In a previous Office Action in the parent case, (i) Claims 44-46 were rejected under 35 U.S.C. §102(b) based on public use or sale of the invention on a basis of the initial launching of "Supermarkets Online" (SMO); and (ii) Claims 24-31, 35-43 and 46-49 were rejected under 35 U.S.C. §103(a) as being unpatentable over the initial launching of SMO.

First, Applicants wish to thank Examiner Caudle and Primary Examiner Stamber for the personal interview in the parent case on January 20, 2000 with Applicants' representatives. During the interview, (i) the filing of Claims 24-49 in a continuation; and (ii) amending the specification in the parent case so as to make the parent case a continuation-in-part (CIP) of co-pending U.S. Patent Application serial number 08/622,685, now issued as U.S. Patent 5,970,469 (i.e., corresponding to the initial launch of SMO) were discussed. An agreement was reached that such course of action would place the parent case in condition for allowance, pending further search and/or consideration.

However, due to recent changes in the Patent Law, effective on November 29, 1999, the filing of a continuation application herewith obviates the need to amend the specification so as to make the present application a continuation-in-part (CIP) of co-pending U.S. Patent Application serial number 08/622,685, now issued as U.S. Patent 5,970,469. Specifically,

according to the new law, the filing of a continuation application will remove U.S. Patent 5,970,469 a 35 U.S.C. §102(e)/§103 prior art, since the inventors of U.S. Patent Application serial number 08/622,685, now issued as U.S. Patent 5,970,469 and the present invention were under a common duty to assign at the time each invention was filed. Accordingly, there is no need to amend the specification so as to make the present application a continuation-in-part (CIP) of co-pending U.S. Patent Application serial number 08/622,685, now issued as U.S. Patent 5,970,469.

Applicants submit that the present amendment (i) cancels Claims 1-23 and (iii) adds new Claims 24-49, corresponding to cancelled Claims 24-49 of parent case 08/873,974, now pending, but written to define the term "incentive," and places the present case in condition for allowance, pending further search and/or consideration. Applicants submit that no new matter is introduced by way of the present amendment (see, e.g., Claims 24-49 of parent case 08/873,974, now pending).

Applicants submit that present independent claims and claims dependent therefrom are patentably distinguishable over the previously applied references, taken alone or in combination, based on the following discussion.

Applicants submit that the previously applied references, taken alone or in combination, fail to teach or suggest the method, system and computer readable medium for manufacturer incentives to purchase one of a product and a service offered by a manufacturer and/or retailer incentives to purchase one of a product and a service offered by a retailer, as recited in the independent claims.

Applicants submit that the above-noted features are neither taught nor suggested by the initial launch of SMO, alone or in combination with references such as Allsop et al. Applicants submit that although Allsop et al teach a web site providing hyperlinks to

authorized dealer sites, the initial launch of SMO, alone or in combination with Allsop et al, fail to teach or suggest the noted features of the claimed invention.

Applicants submit that the claimed invention advantageously provides an improved method, system and computer readable medium for distributing product incentives to consumers over a communication network, as compared to conventional methods and systems.

Applicants submit that the initial launch of SMO, alone or in combination with Allsop et al, fail to teach or suggest the noted features of the claimed invention.

Based on the above discussion, Applicants submit that the independent claims and claims dependent therefrom are patentably distinguishable over the previously applied references, taken alone or in combination.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application. The present application is believed to be in condition for formal allowance. An early and favorable action is therefore respectfully requested.

Respectfully submitted,

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